

WASHINGTON STATE PATROL
CRIMINAL INVESTIGATION DIVISION
REPORT OF INVESTIGATION

File Title	Detective	Case Number
Death Investigation	J.N Rhue	20-009681
Subjects		Other Case Number
(D) Ellis, Manuel E.		PCSD 20-063-02251
(O) Burbank, Chris – TPD		
(O) Collins, Matthew – TPD		
(O) Ford, Masyih – TPD		
(O) Rankine, Timothy - TPD		

Investigation Log

June 17, 2020 at 11:54 a.m.

I was advised by Detective Sergeant M. Marken that we will be assuming a death investigation from the Pierce County Sheriff's Office. The investigation involved the death of Manuel E. Ellis while in the custody of Tacoma Police.

July 21, 2020 at 1:00 p.m.

I participated in a Zoom interview with WSP CID Captain J. Cabezuela and the selected IIT Community members; Lawrence White, Brittany Hamilton, and Tomas Aquino. The purpose of the interview was to vet investigators assigned to the investigation to ensure that there was not a conflict of interest.

July 24, 2020 at 9:00 a.m.

I was advised by Detective Sergeant Marken that the Attorney General's Office was still evaluating the Pierce County Sheriff's Office investigation.

July 27, 2020 at 10:00 a.m.

We received approval to begin investigation. I was assigned as the lead investigator. We were given the complete case file provided by Pierce County Sheriff's Office. PCSO had

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been called out to the scene on the on March 4th and had been the lead agency for the death investigation. The file included officer reports, scene photos and video, officer interviews, forensic scans, officer processing images, search warrants, CAD logs, radio traffic, medical examiners reports and images, canvassing log, crime scene log, taser downloads, property reports, fire records, incident videos, and a prosecutors brief.

3:15 p.m.

I began the review of case file.

July 28, 2020 at 9:50 a.m.

I reviewed the recorded interviews with Officer Chris Burbank, Officer Matthew Collins and Officer Masyih Ford.

July 29, 2020 at 9:00 a.m.

I reviewed the recorded interview with Officer Timothy Rankine. I reviewed the scene/witness recorded videos.

July 30, 2020 at 8:45 a.m.

Sgt. Marken and I contacted Lt. Roberts at the Pierce County Sheriff's Office. Transfer of evidence from PCSO to WSP.

9:30 a.m.

Sgt. Marken and I contacted the incident site located at 96th St S and Ainsworth Ave S in Tacoma.

11:16 a.m.

Deposit evidence to WSP evidence system. Item numbers CT3593 – CT3625.

August 5, 2020 at 10:15 a.m.

I reviewed the recorded interviews with Aiyana White, Cedric Armstrong and Kimberly Mayes, Kennett Ashford, Kimberly Lux, and Shad Hayes.

August 6, 2020 at 11:15 a.m.

I reviewed the recorded interview with PCSO Det. Sgt. G. Sanders.

August 7, 2020 at 2:45 p.m.

I reviewed the recorded interview with PCSO Lt. A. Messineo.



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August 10, 2020 at 11:15 a.m.

Re-process scene scans/fls files. PCSO scanned scene with FARO 3D scanner.

August 13, 2020 at 1:00 p.m.

Zoom meeting with IIT Community members.

August 19, 2020 at 1:00 p.m.

Receive video interview files from attorney Matthew Ericksen.

1:50 p.m.

I reviewed the video recorded interviews with Sara McDowell, Seth Cowden, and Keyon Lowery. The interviews were conducted by Attorney James Bible.

August 20, 2020 at 6:15 a.m.

Sgt. Marken and I contacted Lakewood Police Department. Recorded interview with Lakewood PD K-9 Officer A. Bucat.

8:00 a.m.

Dropped off Officer Burbank's Taser at WSP Crime Laboratory in Seattle.

September 9, 2020 at 3:03 p.m.

I received and reviewed Officer Burbank's discipline records from Winston-Salem PD.

September 10, 2020 at 11:00 a.m.

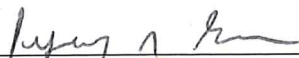
Zoom IIT meeting with John Tillman and Kent Liu - Attorney General's Office.

1:00 p.m.

IIT community members update.

September 17, 2020 at 11:45 a.m.

I picked up the processed video from Det. Wayne Jones, MVPD. Det. Jones processed the McDowell and Cowden cell video through Input-ACE software. He was only able to lighten up the video a bit due to the quality of the video.



September 21, 2020 at 10:36 a.m.

I called Dr. Fiona Couper, WSP Toxicology Lab, regarding Ellis' blood toxicology report. I left a message for her to call me back.

September 23, 2020 at 9:00 a.m.

Zoom meeting with Dr. Thomas Clark III. Dr. Clark did not want to be recorded but agreed to have our secretary Jill Byram take notes (See notes). During the conference Dr. Clark asked if we had copies of his notes from the autopsy. He stated he has notes which were generated after the Medical Examiners report was completed. Dr. Clark stated he learned from PCSO Detective Sergeant Brockway that the spit sock hood had not been on Ellis as long of a period of time as originally believed. It had been in fact been on Ellis for only a couple of minutes. Dr. Clark advised us we can obtain the notes by requesting them through his office. Dr. Clark took issue with the WSP request to have the blood re-analyzed. Dr. Clark agreed to review the notes for accuracy. Dr. Clark forwarded me an article about Excited Delirium from the Washington Post and his power point presentation he was going to give the to the Prosecutor's Office (before it was cancelled).

12:40 p.m.

I received a phone call from Dr. Fiona Couper. I asked about the differences in the two blood toxicology reports for Manuel Ellis (The one completed by NMS Labs and the WSP Toxicology Lab). Dr. Couper told me that they saw the ephedrine and PPA in the second drug screen conducted by the WSP Toxicology Lab but didn't spend time to do additional testing. The ephedrine and phenylpropanolamine (PPA) are byproducts or containments of methamphetamine. Dr. Couper stated they can do additional testing if it becomes an issue but didn't think it was necessary. I asked about the difference between the first toxicology report and the second, 2.4 mg/L of methamphetamine compared to 1.9 mg/L. Dr. Couper state if you take the average of the two results and if they are within 10% then it is consistent results. This is the same process we do with alcohol and breathalyzer testing. Dr. Couper stated she wasn't surprised by the different results because of degradation of the sample over a few months. The same of the amphetamine. Dr. Couper stated the methamphetamine levels in the blood are a large/high amount. The methamphetamine amount was at a level where they have seen in plenty of other cases where methamphetamine was the cause of death (at the 1.9 mg/L amount). Dr. Couper stated that the levels also looked like recent ingestion/use due to the amount of methamphetamine vs. amphetamine (metabolite) in the blood. Dr. Couper stated they did find prescription medication in the blood; small amounts of antidepressant and antipsychotic medication. They did not do further testing because it wasn't the focus of the blood test, however they can if necessary. Dr. Couper stated Sgt. Marken had asked if the prescription medication would interfere with the testing. The answer was no. The methamphetamine reported in the blood toxicology report is what it is, methamphetamine.

1:00 p.m.

Zoom IIT meeting with John Tillman and Kent Liu - Attorney General's Office.

September 24, 2020 at 11:07 a.m.

I sent an email to attorney Michael Staropoli requesting to speak with Officers Ford and Collins. I sent an email to attorney Steve Myers requesting to speak with Officers Rankine and Burbank.

2:05 p.m.

I reviewed the Tacoma Fire recorded interviews conducted by Detective Schroeder.

2:21 p.m.

Email sent from Lt. Durbin to TPD Chief Ramsdell requesting to speak with Officer Farinas.

September 25, 2020 at 2:47 p.m.

Email to Mr. James Bible to coordinate interviews with Sara McDowell, Keyon Lowery and Seth Cowden. Mr. Bible indicated he did not represent the witnesses but the Estate of Manuel Ellis. The witnesses requested Mr. Bible's presence at the interviews.

September 28, 2020 at 7:10 a.m.


Sgt. Marken and I contacted 7-Eleven on 96th and Hosmer. Owner is Danny (206) 859-1161. The store is 0.5 miles from 96th and Ainsworth. I left business card for Danny to call me.

7:35 a.m.

Sgt. Marken and I contacted 7-Eleven on 96th and Pacific. Spoke with Aman the manager. Video recorded inside the store in only available for 3 months. The outside video is good for 48 hours. Store phone (253) 537-2595. Irish Darascay (sp?) and Rose Delacrus (sp?) were working on the evening of March 3, 2020. This 7-Eleven is 1 mile from 96th and Ainsworth. I left business card for Irish and Rose to call me.

8:05 a.m.

I called 7-Eleven owner Danny. No answer so I left a message to call me back.



2:51 p.m.

I received documents from Tacoma Police Department public records/disclosure. Text messages from work and personal phones. I reviewed them.

September 30, 2020 at 10:30 a.m.

I called 7-Eleven owner Danny. No answer so I left a message to call me back.

October 1, 2020 at 9:30 a.m.

Zoom IIT meeting with John Tillman and Kent Liu - Attorney General's Office.

1:30 p.m.

Det. Schroeder advised me that he had he was able to speak with Mendel Everson.

October 2, 2020 at 4:50 p.m.

I received an email from Mr. Bible confirming interviews for Monday October 5 at 4:30 p.m. in Tacoma.

October 5, 2020 at 9:00 a.m.

I received additional notes from Pierce County Medical Examiner's Office regarding Manuel Ellis. I reviewed the notes.

4:48 p.m.

Sgt. Marken and I conducted a recorded interview with Samuel "Seth" Cowden at the WSP Tacoma District Office. Mr. Bible was present during the interview.

5:21 p.m.

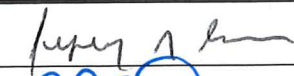
Sgt. Marken and I conducted a recorded interview with Sara McDowell at the WSP Tacoma District Office. Mr. Bible was present during the interview.

October 6, 2020 at 3:35 p.m.

Email sent from Lt. Durbin to TPD Chief Ramsdell requesting to speak with Officer Farinas. Officer Farinas was the officer that put the spit sock hood on Ellis.

3:35 p.m.

I received a phone call from Officer Henry Betts, TPD Guild VP. He told me to contact Ryan Lufkin, attorney, at ryan@pslglawyers.com regarding Officer Farinas.



4:01 p.m.

I sent an email to attorney Ryan Lufkin requesting to speak with Officer Farinas about his involvement in the Ellis investigation.

October 12, 2020 at 9:00 a.m.

I received a copy of the civil lawsuit documents from City of Tacoma.

October 13, 2020 at 3:22 p.m.

I sent a second email to attorney Ryan Lufkin requesting to speak with Officer Farinas about his involvement in the Ellis investigation.

October 15, 2020 at 9:30 a.m.

I received the following e-mail from John Hillman (ATG):

The attorneys for the four primary TPD officers just called me to tell me that they "respectfully decline" any further interviews at all in any format. I asked if they would send an e-mail directly to you (WSP) so that you can have that for your investigative file, so hopefully they will follow through with that.

1:33 p.m.

I had not heard back from Ryan Lufkin so I called him at 866-486-5556. Mr. Lufkin stated he would get back with me in a day or two with an answer.

2:06 p.m.

I received Officer Farinas' disciplinary and training records.

October 21, 2020 at 9:00 a.m.

I received the following e-mail from attorney Michael Staropoli:

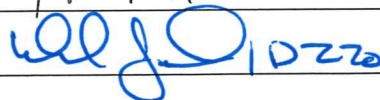
Dear Detective Rhue:

As you are aware, Officer Ford previously provided a voluntary statement to detectives and answered every question asked of him. Pursuant to my advice, Officer Ford respectfully invokes his constitutional rights and declines to participate in an additional, supplemental interview at this time.

Thank you for your inquiry.



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Mike S.

Michael W. Staropoli
Attorney at Law
503.381.0420
mwstaropoli@gmail.com

9:00 a.m.

I received the following e-mail from attorney Michael Staropoli:

Dear Detective Rhue:

As you are aware, Officer Collins previously provided a voluntary statement to detectives and answered every question asked of him. Pursuant to my advice, Officer Collins respectfully invokes his constitutional rights and declines to participate in an additional, supplemental interview at this time.

Thank you for your inquiry.

Mike S.

Michael W. Staropoli
Attorney at Law
503.381.0420
mwstaropoli@gmail.com

10:07 a.m.

I received the following e-mail from attorney Steve Myers:

Detective, I apologize for the delay in getting back to you, with respect to your request for a supplemental interview of Officer Burbank. Given that Officer Burbank voluntarily participated in a recorded interview on March 6, 2020, 3 days after the incident, with two PCSO Detectives and an Investigator from the Pierce Co. Prosecutor's office and answered each and every question posed to him, Officer Burbank, on my advise, hereby respectfully invokes his Right to Silence and, accordingly, is not willing to submit to a second Interview at this time.

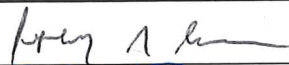
Thank You for your inquiry

10:09 a.m.

I received the following e-mail from attorney Steve Myers:

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Detective, I apologize for the delay in getting back to you, with respect to your request for a supplemental interview of Officer Rankine. Given that Officer Burbank voluntarily participated in a recorded interview on March 6, 2020, 3 days after the incident, with two PCSO Detectives and an Investigator from the Pierce Co. Prosecutor's office and answered each and every question posed to him, Officer Burbank, on my advise, hereby respectfully invokes his Right to Silence and, accordingly, is not willing to submit to a second Interview at this time.

Thank You for your inquiry

11:47 a.m.

I received the following e-mail from Ryan Lufkin:

Detective Rhue,

First let me apologize for the delay in getting back in touch with you. I appreciate your patience in the matter as I got up to speed on the issues in the case. Officer Farinas declines to participate in an interview and invokes his right to remain silent on my advice.

Thank you,

Ryan Lufkin
Public Safety Labor Group

October 28, 2020 at 6:38 p.m.


Sgt. Marken and I conducted a recorded interview with Keyon Lowery at the WSP Tacoma District Office. Mr. Bible was present during the interview.

October 29, 2020 at 7:22 a.m.

I received a copy of the analysis of Officer Burbank's Taser completed by the WSP Crime Lab. The report indicated the Taser was functioning properly.

1:47 a.m.

I spoke with Forensic Scientist Brian Smelser. Smelser had examined the Taser. I asked about the 3 minute difference for the timeline. He said according to the original download of Officer Burbank's Taser, a three minute adjustment for the timeline is appropriate. The Taser updates the time on the unit when synced.



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November 3, 2020 at 11:30 a.m.

I visually examined the spit sock hood which was placed on Ellis.

November 9, 2020 at 11:23 a.m.

I reviewed the recorded interviews and transcriptions for Trooper K.C. Jones, Officer Anthony Bucat, Samuel Cowden, Sara McDowell and Keyon Lowery.

